

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Robert E. WAGNER, Jr. *et al.*

Serial. No. 10/078,278

Filed: February 2, 2002

For: MUTATION DETECTION USING MUTS AND RECA

Art Unit: 1634

Examiner: Sarae L. Bausch

Atty. Docket No. 40011-178452

Customer No.<sup>1</sup>  
**30827**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Restriction/Election Requirement mailed September 2, 2004.  
The Office identified two allegedly independent inventions:

- I. Claims 29-51, drawn to a method for detecting a mutation in a double stranded test DNA molecule, classified in class 435, subclass 6.
- II. Claims 52-55, drawn to kit comprising RecA, MutS and reagents, classified in class 435, subclass 183.

Applicants elect, with traverse, Group I, which encompasses Claims 29-51. Claims 52-55 are withdrawn without prejudice or disclaimer. Applicants have responded fully to the Restriction Requirement. Applicants request rejoinder of the kit claims (52-55) once patentable subject matter has been identified in the elected group. It is believed that the case is now in condition for examination and allowance.

<sup>1</sup> Customer number and correspondence address have changed – see accompanying Change of Address form. The Office is requested to note and enter the change of corresponding attorney address and customer number.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

Dated: September 29, 2004

By

  
Shmuel Livnat

Registration No.: 33,949

MCKENNA LONG & ALDRIDGE LLP<sup>2</sup>

1900 K Street, N.W.

Washington, DC 20006

Telephone: (202)-496-7500

Telefax: (202) 496 7756

Attorneys for Applicant

---

<sup>2</sup> Examiner is respectfully requested to note change in correspondence address